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#FO2305794

Los Angel_s County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 912-00006-2414-505 | Date: 1/27/12 | Time: 2245 hours

Location: [redacted] Washington Avenue, Whittier | City or Station: Whittier

Bureau/Station/Facility: Special Enforcement Bureau | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant

Deputy Injury: YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☒ Call ☐ Observation ☐ Detail ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: A/Lt. Carlos Flores | Emp: [redacted] | IAB Roll Out: YES ☐ NO ☒

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Brown	Kenneth	William

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Special Enforcement Bureau | Work Assignment (Unit #, Module, etc.): Tan Team

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6' - 0" | Weight: 200

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Edwards	Darrell	Antwan

Sex: ☒ Male ☐ Female | Race: | Unit of Assignment: Special Enforcement Bureau | Work Assignment (Unit #, Module, etc.): Red Team

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6' - 03" | Weight: 212

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Seacord	Shane	David

Sex: ☒ Male ☐ Female | Race: | Unit of Assignment: Special Enforcement Bureau | Work Assignment (Unit #, Module, etc.): Red Team

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5' - 09" | Weight: 212

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	R…	Present	Witness to Incident
[redacted]	Lee	Eric	Robert		YES ☒ NO ☐	YES ☐ NO ☒
[redacted]	Garrido	Joseph	R.		☒ NO ☐	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	…Name
	None		

Watch Comm…

Emp. #	Last Name	First Na…	…me
[redacted]	Ewell		W.

ENTERED

Lieutenant Jack Ewell
Watch Commander (**Print Name**) | Watch Comman… | Emp #: | Date

Sergeant John Rossi
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | Copy Prov… …mployee by: | Emp #:

Captain Marvin Washington
Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
912-00006-2414-505

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[X] Male [ ] Female	W	Special Enforcement Bureau	Red Team

Shift:		Age:	Height:	Weight:
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	6' - 03"	200

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ________		Directed Force [ ] Significant Force [X]

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[X] Male [ ] Female	B	Special Enforcement Bureau	K9 Unit

Shift:		Age:	Height:	Weight:
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	6' - 01"	245

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ________		Directed Force [ ] Significant Force [X]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ________		Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ________		Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[ ] Male [ ] Female			

Shift:		Age:	Height:	Weight:
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ________		Directed Force [ ] Significant Force [ ]

Supervisor's Report on Use of Force
SUSPECT INFORMATION
912-00006-2414-505

Suspect Information

S 1

Last Name	Cloutman	First Name	Matthew	Middle Name	Thomas
AKA Last Name	Sabatino	First Name	Matthew	Middle Name	Cloutman

Sex: ☒ Male ☐ Female | Race: W | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 34 | Height: 6' - 02" | D.O.B. 10/25/77 | Weight: 180 | Armed? ☒

Booking #: 3032921 | Primary Charge Code: 664/187(A) PC | Secondary Charge Code: 3056 PC | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: Deputy Jennifer Shepard #[redacted] Unit: LASD-ESD Phone #: (323) 881-7818

Hospital Admission? ☒ Rec'd Treatment At: Whittier Presbyterian Hospital Coroner Case #: Mental History ☐

By Doctor: Mark Odou Address: 12401 Washington Blvd., Whittier, 90602 Phone #: (562) 698-0811

Under Influence: ☒ YES ☐ NO Substance: Amphetamine and Cannabinoid Mental Illness ☐

Suspect Interview

Date: 01/27/2012 | Time: 0100 | Audiotape: ☐ | Videotape: ☒ | Photos of Injuries: ☒

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Suspect	S1	Deputies Brown, Edwards, Seacord, [redacted]	E1 to E5	UC	NN	
Deputy Edwards	E2	Suspect	S1	TG	NN	
Suspect	S1	Deputies Brown, Edwards, Seacord, [redacted]	E1 to E5	UC/RS	NN	
Deputy [redacted]	E5	Suspect	S1	CN	PW/LC	LE
Suspect	S1	Deputies Brown, Edwards, Seacord, [redacted]	E1 to E5	UC/RS	NN	
Deputy Edwards	E2	Suspect	S1	PO	NN	
Deputy Brown	E1	Suspect	S1	PH	HE	BR
Deputy Brown	E1	Suspect	S1	PH	FR	BK
Suspect	S1	Deputies Brown, Edwards, Seacord, [redacted]	E1 to E5	UC/RS	NN	
Deputy Edwards	E2	Suspect	S1	PO	BR	CH
Deputy Edwards	E2	Suspect	S1	PH	BR	HE
Suspect	S1	Deputies Brown, Edwards, Seacord, [redacted]	E1 to E5	UC/RS	NN	
Deputy Seacord	E3	Suspect	S1	PH	BR	FA
Deputy [redacted]	E4	Suspect	S1	PO	NN	
Deputy Edwards	E2	Suspect	S1	RH	NN	
Deputy Brown	E1	Suspect	S1	RH	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE
(Personal Weapons to head, back, and ribs)

UNITS:	**Special Enforcement Bureau**
DATE:	January 27, 2012 (Friday)
TIME:	2245 hours
LOCATION:	[redacted] Washington Avenue, Whittier
URN#:	912-00006-2414-505/Whittier Police Report #2012-00000800
IAB#:	FO 2305794

SYNOPSIS:
Special Enforcement Bureau (SEB) received a request for assistance from Whittier Police Department, regarding a barricaded suspect. The suspect had fired several rounds from a handgun at personnel from the US Marshal Service's Fugitive Task Force, as they were setting up a containment. The Task Force was preparing to serve an arrest warrant on the suspect, at the location **(See Exhibit A – Whittier Police Reports)**.

SEB Special Weapons Team – Red Team responded to the location, and they assumed control of the incident. The Red Team was assisted by SEB personnel from the other teams assigned to the Bureau.

SEB Personnel relieved other agency personnel in containment positions, and positioned armored vehicles to the front and rear of the location. The location consisted of a main residence, and a converted garage on the property **(See Exhibit D)**.

Announcements requesting the suspect to surrender, and exit the location, were made utilizing the armored vehicles' public address (PA) system. These announcements were made throughout the approximate ten hour standoff. The suspect did not acknowledge any of the announcements.

After securing a warrant for the suspect, a tactical plan for introducing chemical agents into the main residence, and converted garage, was approved by command staff (Lieutenant Ewell, #[redacted] Captain Washington, #[redacted], and Commander Osborne, #[redacted]. Chemical agents were introduced into both structures, and there was no acknowledgement from the suspect.

Chemical agents were introduced into the main residence again (north side of the residence – bedroom area), but there was still no acknowledgement from the suspect.

Surveillance equipment, and a portable robot, was utilized in an attempt to locate the suspect inside the main residence. The suspect was not located.

Unable to locate the suspect, an entry team, consisting of Sergeant Eric Lee, #[redacted], and Deputies William Robert, #[redacted], William Murray, #[redacted] Shane Seacord, #[redacted], [redacted], #[redacted], Darrell Edwards, #[redacted], Peter Lavin, #[redacted] Jesse Melgoza, #[redacted] and Canine Deputy Spencer Reedy, #[redacted], with his canine (Bosco), made entry through the front door of the residence. Deputy Reedy sent his canine through the residence in search of the suspect. The suspect was not located; however, the canine did alert to areas of the floor within the location.

After the converted garage was cleared, and secured, by a different group of deputies, the entry team searched the back and side yards. During the search, Deputy Reedy's canine alerted to the presence of human odor coming from an approximate two foot by two foot crawl space opening, beneath the floor, on the north side of the residence.

While Sergeant Lee and Deputy Reedy, with his canine, secured the opening, the entry team continued to search for other portals to the crawl space, both inside and outside the residence. Deputy Melgoza located an access door (trap door) in the hallway, which led to the crawl space underneath the residence.

Believing the suspect may be located somewhere within the crawl space of the residence, some of the entry team members, including Deputies Brown, [redacted], and Canine Deputy [redacted], with his canine ([redacted], repositioned themselves in the residence. Chemical agents were introduced into the crawl space area, in an attempt to drive the suspect out of the exterior opening secured by Sergeant Lee and Deputy Reedy.

After a few minutes, the suspect opened the trap door in the hallway of the residence, and appeared with his hands concealed below the floor. Chemical agents rising from the crawl space area diminished visibility in the room, which was already limited due to gas having been previously deployed inside the residence. There was also no interior lights on in the residence, and the only illumination was from the tactical lights on the deputies' weapons.

Believing the suspect might have a handgun, Deputy [redacted]egan to order the suspect to come out of the trap door area, and show his hands. He advised the suspect that he would release the canine, if he did not comply. The suspect refused to comply, and yelled, "Fuck you. Bring it."

Fearing the suspect would shoot at them, Deputy [redacted] released his canine, and ordered the canine to apprehend the suspect. Deputy [redacted] was approximately 15 to 20 feet away, from the suspect, when he released the canine. As the canine approached the suspect, the suspect grabbed the canine, and they both disappeared from view through the trap door opening. The deputies heard the suspect yelling to get the canine off of him, and the suspect reappeared through the trap door, and onto the hallway floor. The suspect's hands were concealed under his body.

With the suspect still not complying with orders to show his hands, Deputy [redacted] was instructing his canine to re-engage the suspect, but the canine did not emerge from the opening.

IAB Note: **During the altercation, the deputies believed the crawl space was like most other crawl spaces in a residence (about two feet deep), and some were confused, and concerned, as to why the canine did not re-emerge. After the incident, the deputies saw this crawl space was approximately seven to eight feet deep, similar to a basement.**

Deputies Edwards and Brown began to order the suspect to place his hands behind his back. The suspect was not complying, and he was lying on his stomach with his hands underneath him, in the hallway.

Deputies Edwards and Brown approached the suspect, as the suspect attempted to get to his feet. Deputy Edwards placed his knee, and body weight, on the suspect's back, forcing the suspect to the floor. The suspect pushed with his arms off the floor, lifting Deputy Edwards. Deputy Brown struck the suspect on the right side of his head, approximately eight to nine times, with his fist. Deputy Brown's strikes did not appear to have any effect on the suspect. Deputy Brown repositioned himself to the suspect's mid-back area. With the suspect's right arm tucked under his body, Deputy Brown punched the suspect, approximately six to nine times, on his outer back area, in an attempt to secure the suspect's right arm for handcuffing.

While Deputy Brown was trying to gain control of the suspect's right arm, Deputy Edwards attempted to gain control of the suspect's left arm by striking the suspect, approximately five to six times on the left side of his body (rib area), with his knee. Deputy Edwards said he also punched the suspect, approximately ten times, on the back of the suspect's head, and left side of his face, in an attempt to gain control of the suspect's left arm.

During the altercation, the suspect would swing his arms back at the deputies, in an attempt to strike them, then he would place his arms underneath his chest again. The suspect was also trying to kick at the deputies.

At one point, the suspect crawled, or was possibly pulled by deputies, a few feet into the dining room/kitchen area. Deputy Seacord, who was initially outside the residence, heard the commotion with the suspect, and entered the residence through the rear door.

While Deputy Seacord was standing in the dining room area, he gave the suspect commands to place his hands behind his back, and to stop fighting with deputies. The suspect refused. He punched the suspect twice on the left side of his face. Believing the suspect was now reaching for a handgun underneath his body, he punched the suspect twice on the right side of his face.

Deputy Seacord attempted to gain control of the suspect's left arm, from underneath the suspect's body, but the suspect refused to comply. He punched the suspect, again, on the left side of his face.

Deputy [redacted] placed his knees, and body weight, on the back of the suspect's legs to prevent the suspect from continuing to kick at deputies.

Deputy Edwards was able to handcuff the suspect's left wrist, while Deputy Brown was attempting to gain control of the suspect's right arm. Deputy Edwards did request a second pair of handcuffs, to join together, because of the size of the suspect. He knew he would not be able to handcuff the suspect's arms behind his back without the second set. They were eventually able to handcuff the suspect.

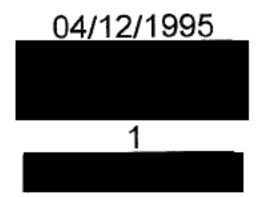
The suspect was escorted out of the residence by Deputy Edwards, followed by Deputy Brown, where he received medical attention for his injuries **(See Exhibit C)** by personnel from the Department's Emergency Services Detail. The suspect was transported by ambulance to Whittier Presbyterian Hospital for additional medical treatment.

The involved deputies wrote reports regarding this incident **(See Exhibit B)**.

IAB Note: The involved deputies wrote supplemental reports, to the incident report written by Whittier Police Department (See Exhibit A). Their use of force was documented in their supplemental reports.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

Brown, Kenneth #[redacted]

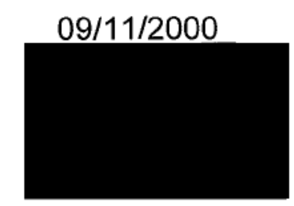


Date of Employment	04/12/1995
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	1
Prior Founded Force Incidents	[redacted]

Edwards, Darrell #[redacted]

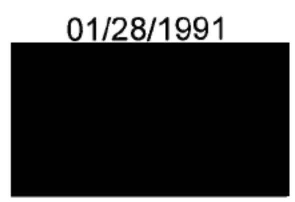
Date of Employment	09/22/1999
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	3
Prior Founded Force Incidents	[redacted]

Seacord, Shane #[redacted]



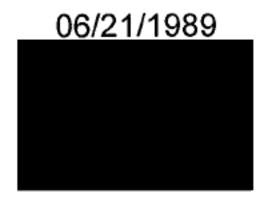
Date of Employment	09/11/2000
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted] **#**[redacted]



Date of Employment	01/28/1991
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted] **#**[redacted]



Date of Employment	06/21/1989
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT

Cloutman, Matthew (AKA Sabatino, Matthew) M/W, DOB: 10/25/77, 6'- 02", 180 pounds, Brown/Brown

[redacted]

IAB Note: A copy of the suspect's criminal history is included in this casebook (See Exhibit E).

SWORN WITNESSES

None

CIVILIAN WITNESSES

None

INJURIES

Suspect Cloutman was transported by Officer [redacted], #[redacted] of the Whittier Police Department, to Whittier Presbyterian Hospital. The suspect was treated for an Intraventricular Hemorrhage (minor bleeding to the brain), fractures of the right 6th and 7th ribs, nasal fracture, two approximate one inch lacerations over the left eye, and an approximate two and one half inch laceration on the right ankle. The suspect also had multiple contusions to the head and face, and multiple scratches, abrasions, and puncture wounds to both legs.

The injuries were believed to have been caused by the deputies striking, and canine biting, the suspect during the altercation. See photographs **(Exhibit C)** taken at Whittier Presbyterian Hospital by Special Enforcement Bureau Sergeant Joseph Garrido, #[redacted], depicting the suspect's injuries.

IAB Note: **IAB investigator spoke with Doctor Mark Odou (treating physician), who indicated the injuries on the suspect were consistent with the use of force reported by the deputies.**

PHYSICAL EVIDENCE

All evidence was collected by members of the Whittier Police Department, including the suspect's firearm **(Refer to Whittier Police Department Reports in Exhibit A)**.

IAB Note: **Photograph of the firearm included in this casebook (See Exhibit D).**

INVESTIGATOR'S OBSERVATIONS

None – IAB Investigators did not respond to the scene. The suspect was transported to the hospital, and it was later determined his injuries warranted an IAB review.

WEAPONS USED BY DEPUTY PERSONNEL

Chemical Agents ("Cold" and "Hot" gas)
Personal Weapons (Hands/Knees)
Canine

WEAPONS USED BY SUSPECT

Personal Weapons (Arms and Legs)

IAB Note: **Prior to the arrival of Special Enforcement Bureau personnel, the suspect had fired several rounds from a handgun at law enforcement personnel.**

PROPERTY DAMAGE

Several broken windows as a result of chemical agents being introduced into the residence.

CRIMINAL INVESTIGATOR and CHARGES FILED

Detective [redacted], Whittier Police Department.
664/187 PC – Attempted Murder.
3056 PC – Parole Violation.

LIGHTING AND WEATHER CONDITIONS

The time was night (approximately 2245 hours) with low to no light within the residence. Visibility was diminished further due to chemical agents having been introduced into the residence. Ambient lighting was available from the tactical lights on the deputies weapons.

SCENE DESCRIPTION

Incident occurred in a hallway, and furnished dining room area, inside a single floor family residence. The property is located in a residential area, in the city of Whittier

SUSPECT STATEMENT

This is a summary based on statements given during a video recorded interview by the suspect involved in this incident. For complete and detailed statements, refer to the digital video file, on compact disc, included in this investigative casebook ***(See Miscellaneous Documents)***.

Suspect **Matthew Cloutman** was interviewed by Special Enforcement Bureau, Sergeant Joseph Garrido, regarding his involvement in this incident. The suspect was interviewed at Whittier Presbyterian Hospital, on January 28, 2012, at approximately 0100 hours.

> **IAB Note: During the video interview, Sergeant Garrido erroneously indicated the date of the interview was January 27, 2012, at 0100 hours. The use of force occurred on January 27, 2012, at approximately 2245 hours, but the interview with the suspect occurred on January 28, 2012, at approximately 0100 hours.**

Sergeant Garrido asked the suspect what had happened. Initially, there was no response from the suspect. As Sergeant Garrido started to video record, and describe, the suspect's injuries, the suspect said, "You guys stomped the shit out of me, and fucked me up." The suspect was asked what happened prior to that, and the suspect again said, "You guys stomped the shit out of me, and fucked me up."

The suspect was asked if he was under the house. For a third time, the suspect replied, "You guys stomped the shit out of me, and fucked me up." He was asked if he shot at (police) officers, and the suspect replied, "No."

Sergeant Garrido asked the suspect if he was inside the house, and the suspect asked where his lawyer was, indicating he did not want to speak to Sergeant Garrido without a lawyer present. Sergeant Garrido confirmed with the suspect that he did not want to speak to him without a lawyer, and the suspect said, "Correct."

When asked if he was injured, the suspect said, "His ribs." When asked further about his injuries, the suspect indicated the right side of his ribs.

Sergeant Garrido continued to video record the injuries on the suspect's body, and gave the suspect one last opportunity to say anything he wanted prior to ending the interview. The suspect did not respond, and the interview was terminated.

IAB Note: Due to the suspect's statements, IAB investigators did not contact the suspect for an interview.

INVOLVED DEPUTY STATEMENTS

This is a summary based on statements given during audio recorded interviews by the involved deputies. For complete and detailed statements, refer to the digital audio files, and the included verbatim transcripts, in this investigative casebook.

Deputy [redacted] was interviewed, about his involvement in this incident, by Internal Affairs Sergeants John Rossi and Scott Graham. He was interviewed on February 24, 2012, at the Offices of Internal Affairs Bureau. Deputy [redacted] had representation present during the interview.

Deputy [redacted] has been on the Sheriff's Department for approximately 22 ½ years. He is currently assigned as a member of the Department's Special Enforcement Bureau (SEB-Red Team), and he has been in that assignment for the last 4 ½ years. Deputy [redacted] prior assignments have included [redacted], [redacted] and the [redacted]

Deputy [redacted] said on January 27, 2012, the United States Marshals Service – Fugitive Task Force served an arrest warrant at [redacted] Washington Avenue, Whittier (location). He said while their personnel were setting up a containment around the location, the suspect shot at them, and ran into the residence. Deputy [redacted] said members of Whittier Police Department, Covina Police Department, and US Marshals were involved in this incident.

IAB Note: IAB Investigators determined West Covina Police Department, not Covina Police Department, was involved in this incident.

Deputy [redacted] said Whittier Police Department contacted SEB, and requested their assistance. He said members of the SEB Red Team, consisting of Sergeant Lee, Deputy Robert, Deputy Murray, Deputy Edwards, and Deputy Seacord, responded to the location. Deputy [redacted] said he responded to the Command Post at [redacted] (corner of [redacted] and [redacted], to gather and disseminate information.

Deputy [redacted] said this incident was a "Bureau Activation." He indicated there were members at the location from several of the Department's SEB Teams, such as the Gold Team, and Tan Team, along with numerous armored vehicles.

While at the Command Post, Deputy [redacted] said he relayed information to Sergeant Lee, and Deputy Robert (Team Scout) of the suspect's violent criminal background, last seen location, where the suspect had engaged the Fugitive Task Force, and physical description. He also said the suspect stated, he was not going back to prison, and he would shoot it out with police. Deputy [redacted] said he was thinking the suspect was pretty desperate, and he would probably not come out of the residence on his own. Deputy [redacted] responded to the location to join his team members (SEB Red Team).

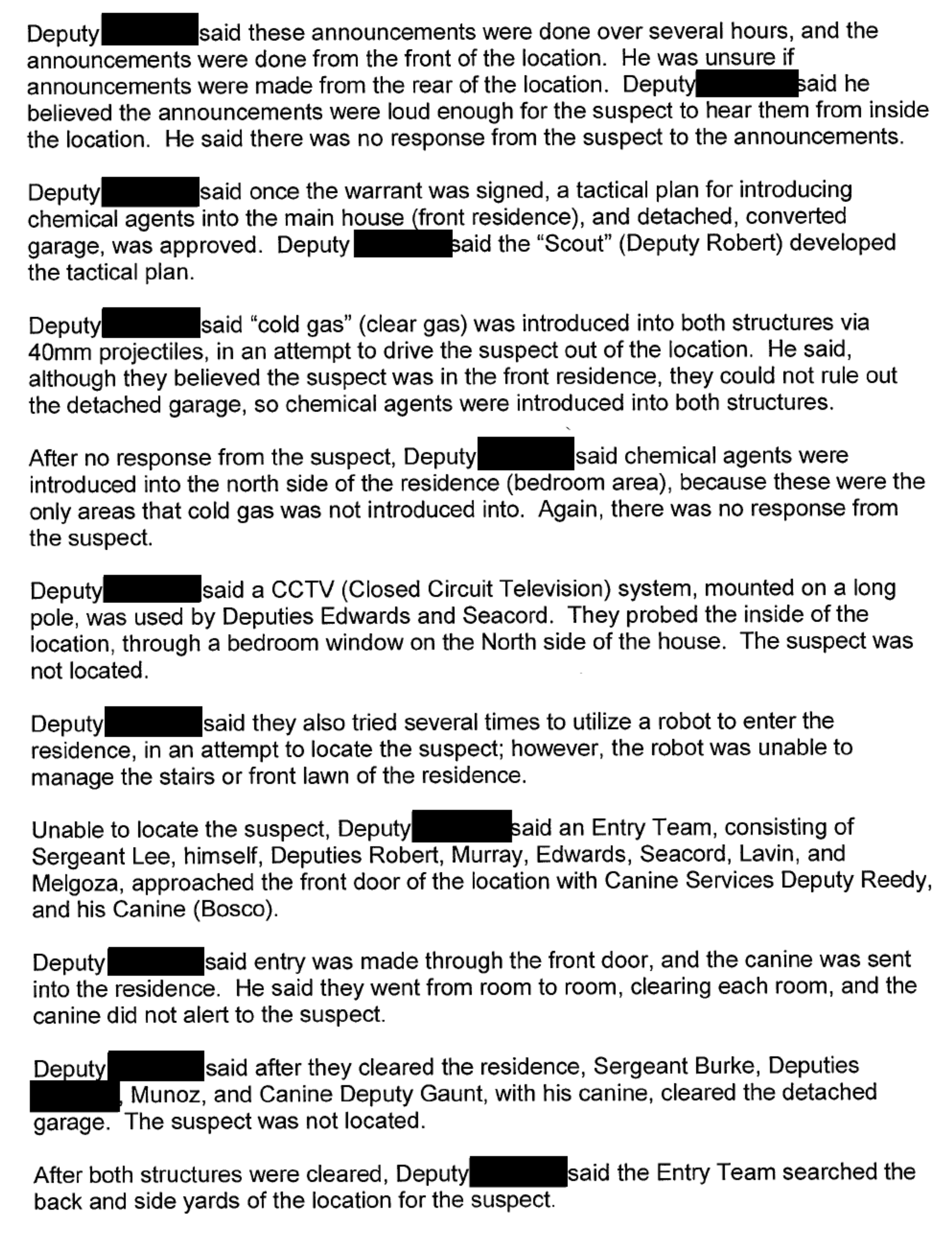
Deputy [redacted] said SEB personnel relieved other law enforcement personnel, from their containment positions, around the location. He said this is a normal process because SEB personnel train together, and they need to have "our people" in place due to radio frequencies being different. He said they generally do not use other law enforcement personnel in containment positions unless they have to.

Deputy [redacted] said an Entry Arrest Team, including Red Team personnel and Canine Deputy Reedy with his Canine (Bosco), was formed. He said armored vehicles were tactically positioned around the location (two at the front of the location, and two in the alley at the rear of the location).

Deputy [redacted] was shown several photographs of the location, taken by SEB Sergeant Garrido, after the incident. He identified photographs one and two, as the front of the location. He identified photographs three, four, and five, as the hallway/trap door inside the residence, where they engaged the suspect **(See Exhibit D)**.

Deputy [redacted] was also shown two aerial views of the location. He said the red pin on these photographs indicated the front residence (location) where the incident occurred. These photographs also showed a detached garage on the same property **(See Exhibit D, Photographs #7 and #8)**.

Deputy [redacted] said once the containment was in place, several announcements were made via the public address system on the armored vehicles, requesting the suspect to surrender and exit the location.



Deputy [redacted] said these announcements were done over several hours, and the announcements were done from the front of the location. He was unsure if announcements were made from the rear of the location. Deputy [redacted] said he believed the announcements were loud enough for the suspect to hear them from inside the location. He said there was no response from the suspect to the announcements.

Deputy [redacted] said once the warrant was signed, a tactical plan for introducing chemical agents into the main house (front residence), and detached, converted garage, was approved. Deputy [redacted] said the "Scout" (Deputy Robert) developed the tactical plan.

Deputy [redacted] said "cold gas" (clear gas) was introduced into both structures via 40mm projectiles, in an attempt to drive the suspect out of the location. He said, although they believed the suspect was in the front residence, they could not rule out the detached garage, so chemical agents were introduced into both structures.

After no response from the suspect, Deputy [redacted] said chemical agents were introduced into the north side of the residence (bedroom area), because these were the only areas that cold gas was not introduced into. Again, there was no response from the suspect.

Deputy [redacted] said a CCTV (Closed Circuit Television) system, mounted on a long pole, was used by Deputies Edwards and Seacord. They probed the inside of the location, through a bedroom window on the North side of the house. The suspect was not located.

Deputy [redacted] said they also tried several times to utilize a robot to enter the residence, in an attempt to locate the suspect; however, the robot was unable to manage the stairs or front lawn of the residence.

Unable to locate the suspect, Deputy [redacted] said an Entry Team, consisting of Sergeant Lee, himself, Deputies Robert, Murray, Edwards, Seacord, Lavin, and Melgoza, approached the front door of the location with Canine Services Deputy Reedy, and his Canine (Bosco).

Deputy [redacted] said entry was made through the front door, and the canine was sent into the residence. He said they went from room to room, clearing each room, and the canine did not alert to the suspect.

Deputy [redacted] said after they cleared the residence, Sergeant Burke, Deputies [redacted], Munoz, and Canine Deputy Gaunt, with his canine, cleared the detached garage. The suspect was not located.

After both structures were cleared, Deputy [redacted] said the Entry Team searched the back and side yards of the location for the suspect.

During the search, an approximate two foot by two foot opening, on the north side of the house, leading to a crawl space beneath the sub-floor was located. Deputy [redacted] said the canine was sent to the opening, and alerted to the presence of human odor in the crawl space area. He said they now believed the suspect was somewhere within the crawl space.

Deputy [redacted] said Sergeant Lee and Deputy Reedy secured the opening, while the Entry Team continued to search for other portals, both inside and outside the residence, into the crawl space. He said Deputy Melgoza found an access door in the hallway of the residence, that led to the crawl space under the residence **(See Exhibit D, Photographs #3, #4, and #5)**.

Deputy [redacted] said members of the Entry Team, along with Canine Deputy [redacted] and his canine ([redacted]), secured the access door in the hallway of the residence. He said gas (chemical agents) was introduced in an effort to drive the suspect out of the two foot by two foot opening on the outside of the residence; however the suspect appeared from the access door in the hallway of the residence. Deputy [redacted] said "Hot Gas" was used because it is a stronger irritant; however, it is foggier then cold gas.

Deputy [redacted] said the suspect was halfway out of the crawl space, when Deputy [redacted] ordered the suspect to show his hands and crawl to them. He said the suspect refused to comply with Deputy [redacted] orders, and he did not believe anyone could see the waist area of the suspect. Deputy [redacted] said he was thinking the suspect might want to shoot it out with them, because he was non-compliant, agitated, not showing his hands or waist area, and he had already shot at police. Deputy [redacted] said, at one point, the suspect yelled, "Fuck you. Bring it."

Deputy [redacted] said concerned the suspect might have a gun, and the suspect failing to comply with their orders, Deputy [redacted] released the canine. He said the canine approached the suspect. The suspect grabbed the canine, and they disappeared from view into the crawl space.

IAB Note: The crawl space, in the area of the access door in the hallway, was approximately 7 to 8 feet deep – similar to a basement.

Deputy [redacted] said he heard the suspect yell to get the canine off of him, and the suspect reappeared through the access door. He said he, and the other deputies, had no idea the crawl space was so deep. Deputy [redacted] said the suspect crawled out from the access door, and he was still non-compliant by failing to follow commands to show his hands.

Deputy [redacted] said they were unsure where the canine was. He said they were waiting for the canine to re-appear, because they believed the crawl space was only approximately two feet deep, like most other residences. He indicated there was also a concern the canine would re-appear and bite one of the deputies, instead of the suspect.

Deputy [redacted] said they were at the door frame to the hallway, when the suspect crawled from the access door. He said they were still concerned the suspect was armed because he had shot at officers earlier in this incident, and they had not found a gun up to this point.

Deputy [redacted] said Deputies Brown and Edwards were in the hallway, ordering the suspect to place his hands behind his back. The suspect was lying on his stomach, with his hands underneath his body, and failing to comply with the orders to crawl to them and show his hands.

Deputy [redacted] said the area where the suspect was, was small. With the size of some of the team members, the gear they were wearing (vest, gas mask, helmet), along with the ambient lighting, and the gas filled room, they wanted to bring the suspect into their "realm," so they could safely handcuff him.

Deputy [redacted] said Deputy Brown and Deputy Edwards approached the suspect. As they neared the suspect, the suspect attempted to get up on his feet. Deputy [redacted] said Deputy Edwards placed his knee, and body weight, on the suspect's back, forcing the suspect to the floor.

Deputy [redacted] said the suspect pushed with his arms off the floor, lifting Deputy Edwards. He said the suspect started to get to his knees, when Deputy Brown struck the suspect a couple of times in the head and upper torso with his (Deputy Brown's) fist. Deputy [redacted] said this did not appear to have much effect on the suspect.

Deputy [redacted] said the suspect continued to fight, by flailing his arms and yelling obscenities, at Deputy Brown and Deputy Edwards. He said it was very difficult to see and hear what was going on because he had his gas mask on. Deputy [redacted] said the suspect was acting "high as a kite on meth."

Deputy [redacted] said the suspect either started to make his way to the entryway into the kitchen/dining room, or the deputies (Brown and Edwards) drug the suspect there, where Deputy Seacord was positioned. Again, Deputy [redacted] mentioned it was very difficult to see due to the fogginess of the hot gas, which entered the residence when the suspect opened the access door. He added the lighting conditions inside the house, and the deputies wearing their gas masks, made it more difficult to see.

Deputy [redacted] said Deputy Brown, Deputy Edwards, and Deputy Seacord continued to struggle with the suspect, still concerned he might have a weapon. He said he saw the suspect kicking his legs, so he (Deputy [redacted] grabbed the suspect's legs and kneeled on them, to hold the suspect on the floor.

Deputy [redacted] said he heard Deputy Edwards say he had one of the suspect's arms handcuffed. Realizing the size of the suspect, and the possibility of needing a second set of handcuffs to properly handcuff the suspect, Deputy [redacted] handed Deputy Edwards a second set of handcuffs, and with the assistance of Deputy Brown, the suspect was finally handcuffed.

Deputy [redacted] said it seemed like the struggle with the suspect lasted five to ten minutes; however, he estimated the struggle lasted one to two minutes.

Deputy [redacted] said, other then Deputy Brown, he did not see any of the other deputies strike the suspect.

Deputy [redacted] said the suspect was escorted out of the residence, and treated by paramedics from the Department's Emergency Services Detail, for his injuries **(See Exhibit C)**. The suspect was transported to the hospital by ambulance, for further medical treatment.

Deputy [redacted] said the entire incident occurred over an approximate ten-hour period. He also said the Department's Crisis Negotiation Team (CNT) was contacted, and utilized, in an attempt to make contact with the suspect.

Deputy **Shane Seacord** was interviewed, about his involvement in this incident, by Internal Affairs Sergeants John Rossi and Scott Graham. He was interviewed on February 24, 2012, at the Offices of Internal Affairs Bureau. Deputy Seacord had representation present during the interview.

Deputy Seacord has been on the Sheriff's Department for approximately 11 years. He is currently assigned as a member of the Department's Special Enforcement Bureau (SEB-Red Team), and he has been in that assignment for the last 10 months. Deputy Seacord's prior assignments have included [redacted], [redacted], and [redacted].

Deputy Seacord was shown several photographs of the location, taken by SEB Sergeant Garrido, after the incident. He identified photographs one and two, as the front of the location. He identified photographs three, four, and five, as the hallway/trap door inside the residence, where they engaged the suspect **(See Exhibit D)**.

Deputy Seacord was also shown two aerial views of the location. He said the red pin on these photographs indicated the front residence (location) where the incident occurred. These photographs also showed a detached garage on the same property **(See Exhibit D, Photographs #7 and #8)**.

Deputy Seacord said on January 27, 2012, Special Enforcement Bureau (SEB) Special Weapons Team was requested by Whittier Police to respond to [redacted] Washington Avenue, in Whittier. A suspect fired a weapon at US Marshals, and barricaded himself inside a residence (location).

Deputy Seacord said the US Marshals were attempting to arrest the suspect for the charge of Carjacking (215 PC), which occurred in the area of West Covina. He said he had also received information from the Command Post that the suspect had been ingesting methamphetamine for the past two days.

Deputy Seacord said, when they arrived at approximately 1300 hours, the location was contained by personnel from the US Marshals Service and Whittier Police Department. He said they relieved outside agency personnel as SEB personnel arrived. Deputy Seacord said this was done because SEB personnel work together, they utilize the same radio frequency, and to eliminate force policy concerns regarding the different agencies.

Deputy Seacord said he was initially positioned in the rear alley of the location. He said public address (PA) announcements were made, throughout the duration of the incident, ordering the suspect to walk out the front door of the location with his hands in view. He said the suspect did not exit the residence. Deputy Seacord said the PA announcements were made from the armored vehicles in the front and rear of the location. He said he could hear the announcements, and he believes the suspect inside the residence could also hear the announcements.

Several hours after the arrival of SEB, Deputy Seacord said chemical agents were introduced, from different containment positions, into the residence and detached garage. The suspect did not exit either structure. He said "Cold Gas Ferret Rounds" and "Hot Gas" were authorized by the Command Staff.

Deputy Seacord said, approximately 10 hours after their arrival, a search of the location was conducted by the Entry Team, with the assistance of Canine Handler Reedy, and his canine (Bosco). He said the Entry Team consisted of Sergeant Lee, Deputy Robert, Deputy Murray, Deputy [redacted], Deputy Edwards, and himself. He said he also believed Deputy Lavin and Melgoza were involved.

Deputy Seacord said the canine alerted to the scent of human odor in an area below the flooring. He said a yard search was conducted, and a crawl space was located on the northern portion of the residence.

Deputy Seacord said based on the canine alert, and the size of the crawl space opening, it was now believed the suspect might be under the flooring of the residence.

Deputy Seacord said the use of chemical agents was authorized, and introduced under the flooring. The purpose was to drive the suspect out the crawl space opening on the north side of the residence.

Deputy Seacord said, while he was on the north side of the location, he heard deputies inside the residence, ordering the suspect to show his hands. Deputy Seacord said he took a quick glimpse through a window. He said he saw deputies struggling, with who he believed was the suspect, in the hallway. Deputy Seacord said he was unable to identify the deputies because they were all wearing body armor, gas masks, and in a gas environment, which affected his visibility.

Deputy Seacord said he entered the residence through a rear door, and stood in the dining room looking into the hallway. He said he saw the suspect on his stomach in the hallway, with his head and upper torso toward the dining room. Deputy Seacord said the suspect was continually shifting his weight, and rolling on his left and right side. He said the suspect was swinging his arms back, trying to strike the deputies with his fists, then he would place his hands underneath his body. Deputy Seacord said he thought the suspect might still be armed, and the possibility he could injure the deputies based on his size. He also believed the suspect might be under the influence of methamphetamine.

Deputy Seacord said the suspect was continuously kicking his legs at the deputies, and the suspect yelled, "Fuck you. I will kill all you motherfuckers."

Deputy Seacord said the suspect started to make his way through the threshold (doorway) of the dining room, from the hallway. He said the suspect was using his elbows and shoulders to make his way into the dining area, as he was continuing to fight with deputies. Deputy Seacord said the suspect's hands were still concealed.

Deputy Seacord said two deputies tried to control the suspect's arms. He said he did not know who the deputies were at the time, but later determined they were Deputies Brown and Edwards.

Deputy Searcord said he ordered the suspect several times to stop fighting, and to place his hands behind his back, but the suspect did not comply. He said the deputies were trying to pull the suspect's arms out from underneath the suspect's torso, and place the suspect's arms behind his back.

At this point, Deputy Seacord said he struck the suspect twice on the left side of his face with his right fist, to stun the suspect, and to stop the suspect from continuing to strike at the deputies.

Deputy Seacord said the suspect placed his hands back underneath his torso. He said, fearing the suspect was retrieving a weapon, he struck the suspect twice on the right side of his face with his left fist.

Deputy Seacord said he attempted to pull the suspect's left arm from underneath the suspect's torso, but he was unable to do so. Deputy Seacord said he struck the suspect on the left side of his face, with his left hand. He said he believed the other deputies were also trying to get control of the suspect's hands.

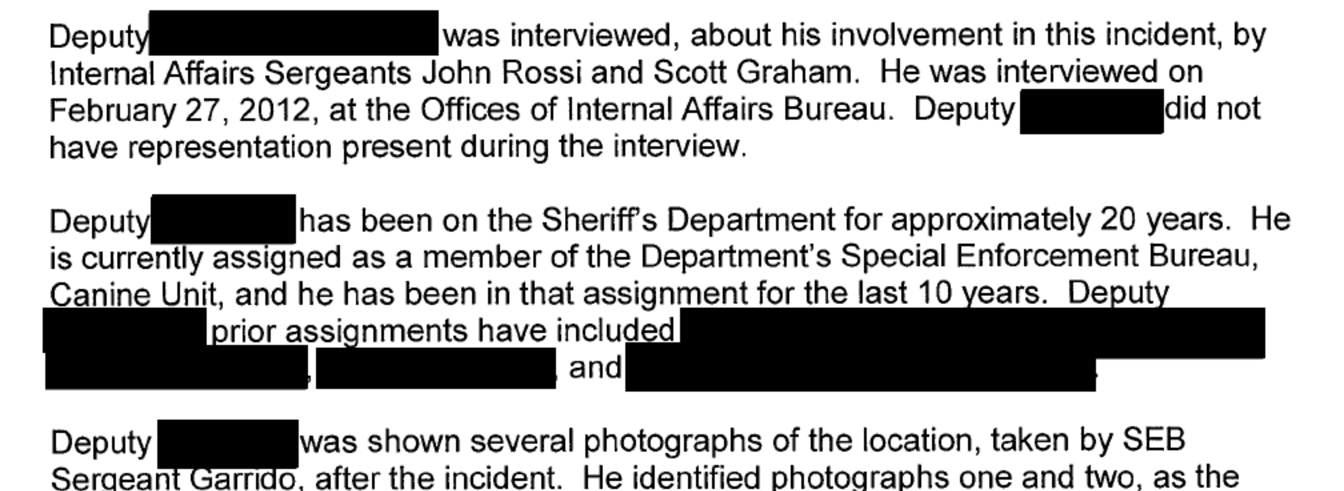
Deputy Seacord said he was focused on the suspect, and he did not see any other deputies striking the suspect. He said the other deputies were still in the hallway, and the visibility was low due to the "smoke filled environment."

Deputy Seacord said he gained control of the suspect's left arm, placed it behind the suspect's back, and he was handcuffed. He said he believed the suspect was handcuffed by Deputies Edwards and Brown.

Deputy Seacord said the suspect was escorted to the front of the residence, and he was treated for his injuries at the scene by Emergency Services Detail (ESD) paramedics. The suspect was transported to the hospital for additional medical treatment.

Deputy Seacord said there were no other force options available. He said he personally did not have a Taser. He said his sergeant had a Taser, but he was not inside the residence at the time of the force.

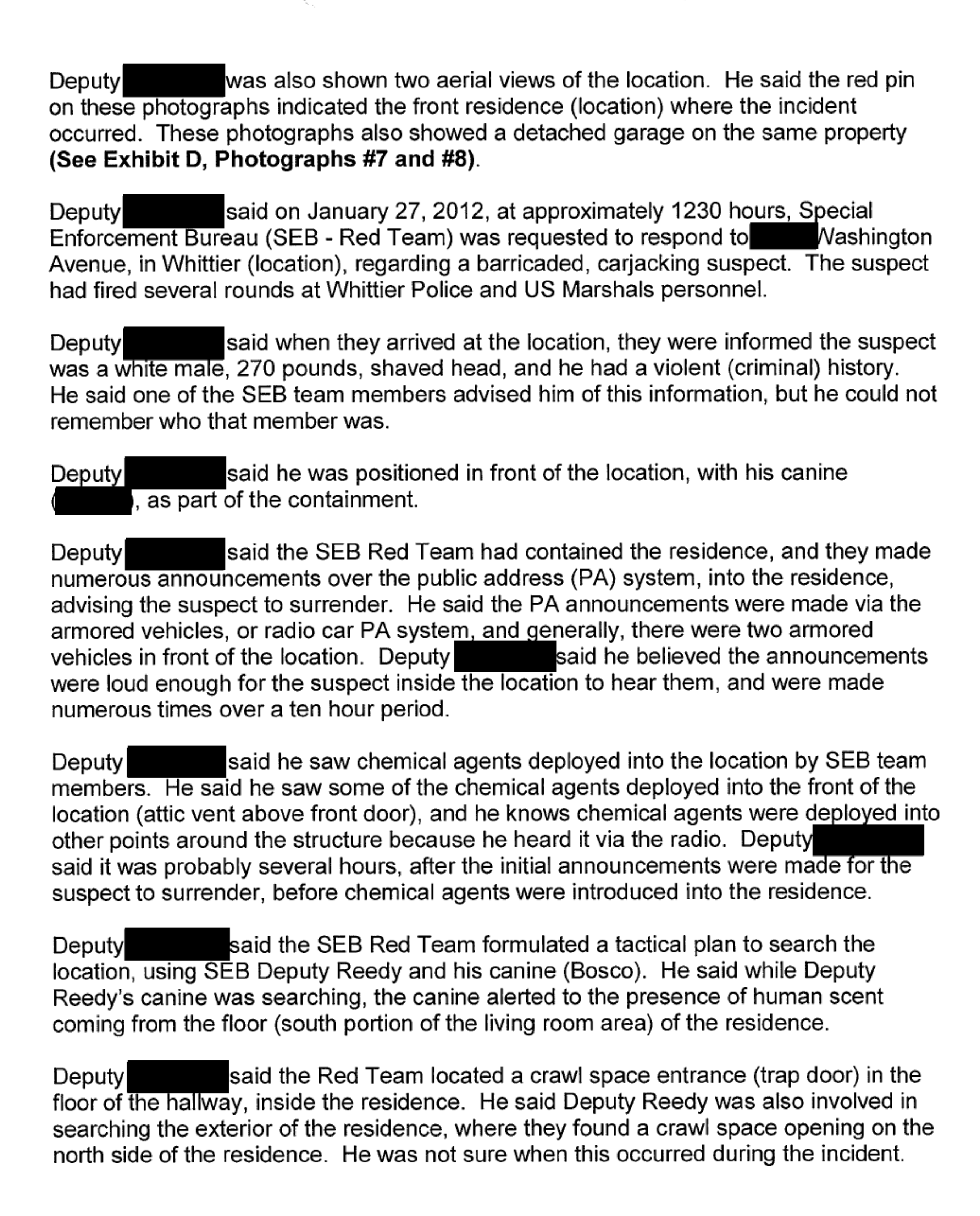
Deputy Seacord said he was told a gun was found in the sub-floor area, but he did not look down the trap door in the hallway.



Deputy [redacted] was interviewed, about his involvement in this incident, by Internal Affairs Sergeants John Rossi and Scott Graham. He was interviewed on February 27, 2012, at the Offices of Internal Affairs Bureau. Deputy [redacted] did not have representation present during the interview.

Deputy [redacted] has been on the Sheriff's Department for approximately 20 years. He is currently assigned as a member of the Department's Special Enforcement Bureau, Canine Unit, and he has been in that assignment for the last 10 years. Deputy [redacted] prior assignments have included [redacted], [redacted], and [redacted].

Deputy [redacted] was shown several photographs of the location, taken by SEB Sergeant Garrido, after the incident. He identified photographs one and two, as the front of the location. He identified photographs three, four, and five, as the hallway/trap door inside the residence, where they engaged the suspect **(See Exhibit D)**.



Deputy [redacted] was also shown two aerial views of the location. He said the red pin on these photographs indicated the front residence (location) where the incident occurred. These photographs also showed a detached garage on the same property **(See Exhibit D, Photographs #7 and #8)**.

Deputy [redacted] said on January 27, 2012, at approximately 1230 hours, Special Enforcement Bureau (SEB - Red Team) was requested to respond to [redacted] Washington Avenue, in Whittier (location), regarding a barricaded, carjacking suspect. The suspect had fired several rounds at Whittier Police and US Marshals personnel.

Deputy [redacted] said when they arrived at the location, they were informed the suspect was a white male, 270 pounds, shaved head, and he had a violent (criminal) history. He said one of the SEB team members advised him of this information, but he could not remember who that member was.

Deputy [redacted] said he was positioned in front of the location, with his canine ([redacted]), as part of the containment.

Deputy [redacted] said the SEB Red Team had contained the residence, and they made numerous announcements over the public address (PA) system, into the residence, advising the suspect to surrender. He said the PA announcements were made via the armored vehicles, or radio car PA system, and generally, there were two armored vehicles in front of the location. Deputy [redacted] said he believed the announcements were loud enough for the suspect inside the location to hear them, and were made numerous times over a ten hour period.

Deputy [redacted] said he saw chemical agents deployed into the location by SEB team members. He said he saw some of the chemical agents deployed into the front of the location (attic vent above front door), and he knows chemical agents were deployed into other points around the structure because he heard it via the radio. Deputy [redacted] said it was probably several hours, after the initial announcements were made for the suspect to surrender, before chemical agents were introduced into the residence.

Deputy [redacted] said the SEB Red Team formulated a tactical plan to search the location, using SEB Deputy Reedy and his canine (Bosco). He said while Deputy Reedy's canine was searching, the canine alerted to the presence of human scent coming from the floor (south portion of the living room area) of the residence.

Deputy [redacted] said the Red Team located a crawl space entrance (trap door) in the floor of the hallway, inside the residence. He said Deputy Reedy was also involved in searching the exterior of the residence, where they found a crawl space opening on the north side of the residence. He was not sure when this occurred during the incident.

Deputy [redacted] said their main concern was the suspect might still be armed, and that he was possibly under the residence. He said additional chemical agents were introduced into the residence, in an effort to have the suspect surrender, and allow team members some distance for safety reasons.

Deputy [redacted] said Canine Deputy Reedy, and his canine, were staged at the exterior crawl space opening on the north side of the residence. He said Deputy Reedy was staged there because that was the most likely place the suspect would exit.

Deputy [redacted] said Deputy Robert (Team Scout) requested he stage inside the residence (living room area) with an arrest team, looking down the hallway toward the trap door **(See Exhibit D, Photographs #3, #4, and #5)**. He said he did not know who the members of the arrest team were because they had gas masks on. Deputy [redacted] added there was thick gas inside the residence, which limited his visibility.

Deputy [redacted] said approximately four to five minutes later, after chemical agents were re-deployed, the trap door in the hallway opened. He saw a big plume of smoke rise from the opening as if there was a fire. Deputy [redacted] said he then saw the suspect appear from the trap door opening. He estimated he was approximately 15 to 20 feet from the opening at this time.

Deputy [redacted] said he was in front of the arrest team members. He instructed his canine to lie down, then he ordered the suspect to show his hands. Deputy [redacted] said he told the suspect if he did not come out (of the trap door opening), and show his hands, the police canine would be used to apprehend him. He told the suspect, if the canine was released, he would be bit. Deputy [redacted] said his concern was the suspect was still armed.

Deputy [redacted] said the suspect replied, "Fuck you. Bring it." He said he could see the suspect's torso, but the suspect would not show his hands. Fearing a shooting was going to occur, Deputy [redacted] said he released the canine, and ordered the canine to apprehend the suspect.

Deputy [redacted] said as the canine approached the suspect, the suspect grabbed the canine, and pulled the canine into the crawl space. He said both the canine and the suspect dropped below the flooring, and out of view. Deputy [redacted] said he heard the suspect yell, "Get this dog off me." He said he believed this was a normal crawl space (approximately two feet deep), and he thought the suspect was going to reappear because he believed the canine was biting the suspect. Deputy [redacted] said he did not want to approach the crawl space (trap door) because he still believed the suspect was armed.

Deputy [redacted] said a few seconds later, the suspect reappeared and crawled from the opening. He said the suspect was on his stomach, in the hallway, refusing to show his hands.

Deputy [redacted] said he was ordering the canine to come out of the sub-flooring (crawl space), and engage the suspect because he was not showing his hands. He said he expected the canine to come out immediately, and engage the suspect. Deputy [redacted] said the canine did not come out of the crawl space, and the canine was not able to help apprehend the suspect.

Deputy [redacted] said the suspect continued to crawl in the hallway, refused to show his hands, and he could see team members trying to control the suspect. He said initially, team members were trying to verbally control the suspect, then they approached the suspect and made physical contact. At this point, Deputy [redacted] said all he could see were the backs of the team members.

Deputy [redacted] said he was still concerned about the location of his canine. He said he did not know if his canine was injured, or if the canine had proceeded north through the crawl space where Deputy Reedy and the arrest team were, and engaged them. He said the canine was loose, trained to apprehend, and he did not know where the canine was. Deputy [redacted] said the canine does not distinguish between officers in uniform, and civilians (the suspect) in plain clothing.

Deputy [redacted] said he made his way to the crawl space opening, which led to a basement with an approximate eight foot drop to the floor. He said there was a ladder that led to the opening where the suspect had exited. Deputy [redacted] said he was not able to see the floor of the basement, or the canine, because the smoke was too thick. He said he could only see the first couple of steps from the ladder.

Deputy [redacted] said he was eventually able to see the canine, and pull him up through the crawl space opening (trap door in hallway). He said he leashed his canine and exited the residence.

Deputy [redacted] said once the suspect was apprehended, he was medically treated in front of the location by Emergency Services Detail (ESD) Deputy Shepard. He saw the suspect had sustained what appeared to be canine rakes (long scratches or lacerations) and punctures to both of his lower legs. The suspect also had blood on his face.

Deputy [redacted] said he was not injured during the altercation, and the canine appeared to be fine. He said he was surprised the canine was not injured, especially after he saw the approximate eight foot drop in the crawl space.

Deputy [redacted] said he does carry a Taser, but he did not feel it was an option in this incident. He added the distance at which he came into contact with the suspect (approximately 15 to 20 feet away) was a concern, along with the concern the suspect would fall back into the crawl space (if tased).

Deputy [redacted] said having the canine engage the suspect, the suspect could not go back down the crawl space with the canine (not realizing the crawl space was designed the way it was).

Deputy [redacted] confirmed warnings were given to the suspect prior to the canine being released. He said he never saw the canine bite the suspect.

Deputy [redacted] said he was told a gun was recovered from the scene, and it was recovered from the basement. Deputy [redacted] said he does not know who retrieved the gun **(See Exhibit D, Photograph #6)**.

Deputy **Kenneth Brown** was interviewed, about his involvement in this incident, by Internal Affairs Sergeants John Rossi and Scott Graham. He was interviewed on February 27, 2012, at the Offices of Internal Affairs Bureau. Deputy Brown did have representation present during the interview.

Deputy Brown has been on the Sheriff's Department for approximately 18 years. He is currently assigned as a member of the Department's Special Enforcement Bureau (SEB-Tan Team), and he has been in that assignment for the last two years. Deputy Brown's prior assignments have included [redacted], [redacted], [redacted] and [redacted].

Deputy Brown was shown several photographs of the location, taken by SEB Sergeant Garrido, after the incident. He identified photographs one and two, as the front of the location. He identified photographs three, four, and five, as the hallway/trap door inside the residence, where they engaged the suspect **(See Exhibit D)**.

Deputy Brown was also shown two aerial views of the location. He said the red pin on these photographs indicated the front residence (location) where the incident occurred. These photographs also showed a detached garage on the same property **(See Exhibit D, Photographs #7 and #8)**.

Deputy Brown said, on January 27, 2012, at approximately 1230 hours, Special Enforcement Bureau received a request from Whittier Police Department, for a special weapons team to assist with a barricaded, carjacking suspect. He said the suspect fired several rounds at Whittier Police and US Marshals, who were executing an arrest warrant.

Deputy Brown said he was advised, as law enforcement were taking up containment positions, the suspect appeared and fired several rounds from a handgun directly at them. The suspect then retreated back into the residence at [redacted] Washington Avenue, in Whittier (location).

Deputy Brown said information obtained indicated the suspect was on active parole, with several previous assaults with a deadly weapon, and robbery convictions. He said information also indicated the suspect had prior assaults on peace officers, and numerous narcotics violations. Deputy Brown said he believed this information came from Deputy [redacted] at the Command Post.

Deputy Brown said a SEB Tactical Weapons Team responded to the location, and arrived at approximately 1300 hours. He said the Red Team, consisting of Sergeant Lee, and Deputies Robert, Murray, [redacted] Edwards, and Seacord, had the initial, overall command of the incident. He said the response was supplemented with several members of the Department's other SEB tactical teams.

Deputy Brown said he was assigned a containment position in the rear alley of the location, just north of the location. He said Deputies Edwards, McCourtney, Seacord, and members of the US Marshals Service were also in containment positions in the rear alley area. Deputy Brown said they were also part of an arrest team, in case the suspect presented himself to the rear of the location.

Deputy Brown said SEB members were strategically placed, surrounding the location. He said they relieved the other agency's officers, from their containment positions, so SEB had complete control of the situation. Deputy Brown added that this is done because SEB members are similarly trained.

Deputy Brown said once the containment was in place, several announcements were made over the armored vehicle's public address (PA) system, asking the suspect to surrender. Deputy Brown said announcements were made from the front of the location, which they heard in their containment positions at the rear of the location. He said there may have been announcements also made from the rear of the location, but he could not remember. Deputy Brown said the suspect would have heard the announcements. He also mentioned that the Canine Unit made separate announcements, indicating that a police canine may be deployed, and to inform the suspect that he may be bitten by the canine, if he did not surrender. Deputy Brown said the suspect failed to respond to the announcements.

Deputy Brown said he was requested to assist the entry team in the front residence, after it was determined the suspect might be concealed under the house (crawl space area). He said a trap door was discovered in the floor of the hallway, inside the residence **(See Exhibit D, Photographs #3, #4, and #5)**.

Deputy Brown said a plan was comprised to deploy chemical agents under the residence, in an effort to drive the suspect from under the house, and toward the trap door. He said an arrest team was formed, within the hallway of the residence, to apprehend the suspect should he exit the trap door.

Deputy Brown said he was on the arrest team, but did not know who else was on the arrest team at that time. He added the inside of the residence was dark, there was previously deployed gas inside the residence, and they had gas masks on.

Deputy Brown said chemical agents were deployed under the residence, and within a short amount of time, the trap door forcibly opened, and the suspect appeared. Deputy Brown said he was positioned on the right side of the doorway that leads from the living room, and into the hallway.

Deputy Brown said the suspect was directed to show his hands, which were down by his side, and not in clear view. He said he was concerned the suspect had not shown his hands, and he would fire at the deputies. Deputy Brown said he was also concerned about the canine handler behind him, because he heard the canine barking violently, and he was concerned the canine would be released and bite him (Brown).

Deputy Brown said he and some of the other deputies were giving the suspect directions to show his hands. He said the visibility in the residence had diminished, from when the suspect opened the trap door, because of the gas coming up from the crawl space, and into the residence.

Deputy Brown said the suspect looked angry, and he was not complying with instructions to show his hands, which were below the surface of the floor. He said he believed the suspect was formulating some type of plan, on how he was going to get out of the residence, and possibly fire on the deputies.

Deputy Brown said the suspect was instructed to exit the trap door, but he refused, and he began to yell obscenities at the deputies. He said Deputy [redacted] demanded the suspect to exit the trap door, or he would release the canine. Deputy Brown said the suspect yelled, "Bring it," and never brought his hands into plain view.

Deputy Brown said he now thought the suspect was waiting for the canine to get close enough so he could shoot the canine, and then deal with the deputies.

Deputy Brown said the canine approached the suspect, as the suspect was yelling unknown words. He said the suspect grabbed the canine, pulled the canine into the floor opening (trap door area), and the canine disappeared from view. Deputy Brown said he has never seen a suspect grab a police canine like that, and he was concerned as to where the canine was. He said there were a lot of things going on, and they were occurring rapidly.

Deputy Brown said the suspect started screaming something similar to, "He is biting me." He said the suspect lunged forward, and onto his stomach, on the hallway floor. Deputy Brown said the suspect's hands were underneath his body, and not in plain view. He said he was still concerned the suspect was armed with a firearm, along with not knowing the whereabouts of the canine.

Deputy Brown said he gave several commands to the suspect to show his hands. He said the suspect was yelling, and grunting, but he did not comply with the commands.

Deputy Brown said the suspect started to crawl toward the doorway of the dining room, and he attempted to stand. He said he and Deputy Edwards approached the suspect to keep him on the floor. Deputy Brown said he tried to grab the suspect's right arm, and pull it behind the suspect's back, but he was unable to do so. He said the suspect was resisting, and at one point, the suspect punched him in the left calf.

Deputy Brown said the suspect forcibly drove his right arm back underneath his body, and he believed the suspect was retrieving the weapon he fired earlier. Deputy Brown said he struck the suspect several times (approximately 8 to 9 times) on the right side of his head and ear, with his left fist, to disorient the suspect. He said the punches had no effect on the suspect.

Deputy Brown said the suspect grew angrier, and continued to grunt, and yell. He said the suspect attempted to stand, but lost his footing and fell to the floor. Deputy Brown said he repositioned himself to the suspect's mid-back area. The suspect still had his right arm tucked underneath his body. Deputy Brown said he began to strike the suspect on the outer portion of his back (around the armpit to waist area), with his left fist (approximately 6 to 9 punches), in an attempt to secure the suspect's right arm for handcuffing. He said by striking the suspect in the back area, he was hoping the suspect would flinch enough, so he could pull the suspect's arm behind his back.

Deputy Brown said while trying to secure the suspect's right arm, the seal of his mask broke, and he was starting to ingest the gas.

Deputy Brown said he eventually secured the suspect's right arm, and Deputy Edwards was able to secure the suspect's left arm. He said he and Deputy Edwards handcuffed the suspect. Deputy Brown said two sets of handcuffs (joined end to end) were used on the suspect, because of his size.

Deputy Brown said once the suspect was handcuffed, his (Brown) physical condition was a "mess." He said he had "snot" coming from his face, and tears coming from his eyes. He said he was out of breath, and exhausted.

Deputy Brown said the suspect was escorted outside the residence, and treated at the scene for his injuries, by the Department's Emergency Services Detail (ESD) paramedics.

Deputy **Darrell Edwards** was interviewed, about his involvement in this incident, by Internal Affairs Sergeants John Rossi and Scott Graham. He was interviewed on February 27, 2012, at the Offices of Internal Affairs Bureau. Deputy Edwards did have representation present during the interview.

Deputy Edwards has been on the Sheriff's Department for approximately 13 years. He is currently assigned as a member of the Department's Special Enforcement Bureau (SEB-Red Team), and he has been in that assignment for the last two years. Deputy Brown's prior assignments have included [redacted], [redacted].

Deputy Edwards was shown several photographs of the location, taken by SEB Sergeant Garrido, after the incident. He identified photographs one and two, as the front of the location. He identified photographs three, four, and five, as the hallway/trap door inside the residence, where they engaged the suspect **(See Exhibit D)**.

Deputy Edwards was also shown two aerial views of the location. He said the red pin on these photographs indicated the front residence (location) where the incident occurred. These photographs also showed a detached garage on the same property **(See Exhibit D, Photographs #7 and #8)**.

Deputy Edwards said on January 27, 2012, at approximately 1230 hours, Special Enforcement Bureau (SEB) received a request from Whittier Police Department to respond to [redacted] Washington Avenue, in Whittier, regarding an armed barricaded suspect. He said he was told the suspect had shot at law enforcement officers at the scene.

Deputy Edwards said he convoyed, with several other special weapons team deputies, to the Incident Command Post at [redacted], in Whittier ([redacted]). He said armored vehicles were sent to the target street (Washington Avenue).

Deputy Edwards said he was directed to take an armored vehicle to the alley, just east, and approximately one house north, of the location. He said Deputy Daniel Farrell, #[redacted] was in the armored vehicle with him. Deputy Edwards said they assumed a rear containment position with Deputies [redacted], Brown, and Canine Deputy Gaunt, #[redacted]. He said the armored vehicle was facing southbound toward the detached garage area.

Deputy Edwards said they discussed contingencies, and arrest team role definitions, should the suspect come out to the alley, including lethal and less lethal options.

Deputy Edwards said within one hour of arriving at the containment position, a male Hispanic ([redacted]) was detained after he walked into the rear alley from the detached garage. He said Mr. [redacted] confirmed he was present when rounds were fired, and confirmed the suspect was in the front residence of the location. Deputy Edwards said this information was relayed to the Team Scout (Deputy Robert).

Deputy Edwards said personnel at the Command Post advised them that the suspect was a white male, approximately 250 pounds, and bald. He said they were also informed the suspect had an extensive, violent criminal history, including assaults on peace officers. He said they were also advised that the suspect was under the influence of methamphetamine, and the suspect stated he would shoot it out with police.

Deputy Edwards said he believed the suspect was a pretty violent individual because he had already proven this by shooting at peace officers prior to their (SEB) arrival. He said he was also advised the suspect was wanted for an armed carjacking, which was the reason law enforcement was at the location.

Deputy Edwards said SEB personnel relieved Whittier Police, and US Marshals personnel from their inner containment positions. He said this was done because SEB personnel train together, utilize the same language, and they are able to better communicate (via radio).

Deputy Edwards said public address (PA) announcements were made repeatedly, throughout the approximate ten hours standoff, advising the suspect to exit the residence. Deputy Edwards said the announcements were made from an armored vehicle at the front of the location. He said he could clearly hear the announcements from his position at the rear of the location, and he believed the suspect would have heard the announcements inside the residence. Deputy Edwards said they did not get any response from the suspect.

Deputy Edwards said chemical agents were introduced into the residence, to draw the suspect out of the residence. He said prior to the use of chemical agents, they believed the suspect might have been in the northwest bedroom of the residence. He said special cameras were deployed, which indicated the suspect was not in that bedroom, the bathroom (east of the bedroom), or a second bedroom (east of the bathroom and first bedroom).

Deputy Edwards said he deployed "Hot Gas" into the north side of the residence, while other deputies deployed "Cold Gas" into the front (attic area – west side), and south side of the residence. He said more announcements were made, but the suspect did not exit the residence.

Deputy Edwards said the Entry Team, consisting of Deputies Robert, Murray, [redacted], Seacord, himself, and Sergeant Lee, searched the residence with Canine Deputy Reedy, and his canine (Bosco). He said they were unable to locate the suspect, but the canine seemed to alert to the flooring.

Deputy Edwards said the Entry Team then searched the outside of the residence, along the pathways north and south of the residence, and the rear yard. He said Deputy Reedy's canine alerted to the subfloor beneath the residence, on the north, exterior side of the residence.

Deputy Edwards said "Hot Gas" was introduced under the residence via the vents, on the south and east sides of the residence. He said he believed the suspect was still armed, under the residence. He said the standoff was nearing eight to nine hours, and he believed the suspect was going to come out the larger vent (north side of residence), or a doorway inside the residence, which they had not discovered.

Deputy Edwards said deputies were strategically placed inside the residence, with Canine Deputy [redacted], and his canine ([redacted]). He believed the other deputies inside the residence were Deputies Robert, Brown, [redacted], and Murray.

Deputy Edwards said, approximately five minutes after the gas was deployed, the suspect came out of a trap door located in the hallway of the residence **(See Exhibit D, Photographs #3, #4, and #5)**.

Deputy Edwards said he heard the deputies giving the suspect commands to come out from the trap door, and to show his hands. He entered the front door of the residence to assist, and he saw the upper torso of the suspect out of the trap door. Deputy Edwards said the suspect's hands, and waist, were still below the subfloor area.

Deputy Edwards said he heard Deputy [redacted] order the suspect to place his hands in the air. He said visibility inside the residence was limited, because the smoke from the gas had not dissipated, and the interior lights were off. Deputy Edwards said the only light available, was the light from their tactical weapons. He said he could see the suspect, but not very clearly.

Deputy Edwards said the suspect replied, "Fuck you. Bring it." He said the canine was released, and charged at the suspect, because the suspect's lower half of his body, including his hands, was beneath the trap door. Deputy Edwards said the average person usually surrenders when a canine is present, and being held by the canine handler. He was surprised the suspect was still being resistive, and thought the suspect might still be armed because his hands were still out of view, and he refused to show them.

Deputy Edwards said the suspect grabbed the canine, and the two of them dropped below the subfloor area. He heard the suspect yell to get the canine off of him. Deputy Edwards was surprised to see this, and thought the suspect would come out and surrender because the canine "was on the bite." Deputy Edwards said, at that time, he believed the subfloor to be like most places, only about two feet deep.

Deputy Edwards said, seconds later, the suspect reemerged and crawled out of the trap door opening. He said the suspect was looking around, as if he was attempting to locate their positions, or looking for an escape route.

Deputy Edwards said Deputy [redacted] ordered the suspect to show his hands, but he was uncooperative, and began to crawl on his stomach. He said the suspect's hands were still underneath him, as he was crawling toward the doorway to the dining room/kitchen area.

Deputy Edwards said, after a short period of time, they expected the canine to reemerge, but the canine did not. He said he and Deputy Brown approached the suspect in the hallway, in order to take him into custody.

Deputy Edwards said, as they got within a foot of the suspect, the suspect looked up, and started to push off the floor as if he was trying to get up. Fearing the suspect was armed, Deputy Edwards dropped down on the left side of the suspect's back, with his right knee, causing the suspect to fall back to the floor.

Deputy Edwards said he attempted to remove the suspect's left arm from underneath the suspect's body. He said the suspect was resisting his efforts. Deputy Edwards said Deputy Brown struck the suspect several times (estimated more than five times) with his right fist, about the head and body area, and attempted to remove the suspect's right arm from underneath the suspect's body.

Deputy Edwards said the suspect maintained his hands underneath his body. He said the suspect began to move from side to side, and kicked at Deputy Brown. Deputy Edwards said the seal on his respirator mask loosened, and he began to inhale gas.

Deputy Edwards said he struck the suspect several times (estimated five to six times) with his right knee, to the suspect's left rib and back area, to get the suspect to remove his left arm from underneath the suspect's body. He said he also struck the suspect, with his right fist, on the back of the suspect's head, and left side of his face (estimated to be ten times), in an attempt to gain control of the suspect's left arm.

Deputy Edwards said Deputy Brown was also having great difficulty removing the suspect's right arm from underneath the suspect's body. He said Deputy Brown was also striking the suspect, but he does not know where.

Deputy Edwards said he moved and straddled the suspect's lower back area, while another deputy (possibly Deputy Seacord) took a position along the suspect's left side. He said the other deputy struck the suspect several times with his fist (approximately two to three times in the face), while he took hold of the suspect's left arm, and placed it behind the suspect's back.

Deputy Edwards said he placed one of the handcuffs on the suspect's left wrist, got a second pair of handcuffs from Deputy [redacted], and joined them together. He said he did this based on the suspect's size.

Deputy Edwards said Deputy Brown was able to get control of the suspect's right arm, and place it behind the suspect's back. He said the suspect was handcuffed, and checked for weapons. No weapons were found on the suspect.

Deputy Edwards said he and Deputy Brown lifted the suspect from the floor. Deputy Edwards said he escorted the suspect out of the residence, followed by Deputy Brown.

Deputy Edwards said a .40 caliber pistol was recovered from the subfloor of the residence, where the suspect had hid and emerged from. He does not know who recovered the pistol **(See Exhibit D, Photograph #6)**.